

TITLE 16, CEMETERY AND FUNERAL BUREAU DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau (hereinafter "bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, First Floor Hearing Room, Sacramento, CA 95814 at 10:00 a.m., on August 25, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the bureau at its office not later than 5:00 p.m. on August 25, 2003 or must be received by the bureau at the hearing. The bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 9630 of the Business and Professions Code (B & P) and Section 15376 of the Government Code, and to implement, interpret, or make specific sections 9702.5, 9723, 9723.1, 9723.2, 9764.1, 9764.2, 9764.3, 9787.2 and 9787.3 of the Business and Professions Code and Section 15376 of the Government Code, the Cemetery and Funeral Bureau is considering changes to Division 23 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Legislation enacted in 2002 (Stats. 2002, ch. 825, SB 1952 Figueroa, Stats. 2002, ch. 819, SB 17, Figueroa) requires a licensed cemetery to employ a cemetery manager and a licensed crematory to employ a crematory manager to manage, direct and supervise its operations. This legislation requires a cemetery or crematory to notify the Bureau within 10 days when there has been a change of cemetery manager or crematory manager and allows a cemetery to request approval to share a cemetery manager with another licensed cemetery.

The proposed regulations will specify the fee amounts to be charged for examination, licensure, renewal, reporting a change of cemetery manager or crematory manager, define the requirements for sharing a cemetery manager, and specify the application forms required.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code

Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

The Bureau has made an initial determination that this action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

These regulations will have an impact on businesses for reporting a change of cemetery manager or crematory manager and an impact on individuals for examination, licensure and an annual renewal fee to maintain the license. Costs were estimated at \$50.00 per change of cemetery or crematory manager and \$800.00 for the cemetery manager examination and \$450.00 for the crematory manager examination. Annual renewal fees are proposed at \$80.00. The estimate of the total number of businesses impacted is the total number of cemeteries and crematories currently licensed by the Bureau (193 cemeteries and 180 crematories).

Impact on Jobs/New Businesses:

The bureau has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The bureau has determined that the cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action would be insignificant.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The bureau has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The bureau must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Cemetery and Funeral Bureau at 400 R Street, Suite 3080, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **or** by accessing the web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda Kassis
Address: 400 R Street , Suite 3080
Sacramento, CA 95814
Telephone No.: (916) 322-7737
Fax No. (916) 323-1890
E-Mail Address: Linda_Kassis@dca.ca.gov

The backup contact person is:

Name: Dori Darrington
Address: 400 R Street, Suite 3080
Sacramento, CA 95814
Telephone No.: (916) 322-7737
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Inquiries concerning the substance of the proposed regulations may be directed to Linda Kassis at (916) 322-7737.

Web site Access: Materials regarding this proposal can be found at www.cfb.ca.gov.